

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

**LEXINGTON INSURANCE COMPANY AND
NATIONAL UNION FIRE INSURANCE COMPANY
OF PITTSBURGH,**

Plaintiffs

v.

**VIRGINIA SURETY COMPANY, INC.,
Defendant.**

**CIVIL ACTION
No. 04-11109 RGS**

NOTICE OF FILING WITH CLERK'S OFFICE

Notice is hereby given that the documents, exhibits and attachments listed below have been manually filed with the Court and are available in paper form only:

**EXHIBITS TO STATEMENT OF UNDISPUTED FACTS AND SUPPORTING AFFIDAVITS OF PLAINTIFFS,
LEXINGTON INSURANCE COMPANY AND NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,
IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

Exhibit

Document Title

- | | |
|----------|--|
| A | National Union Fire Insurance Company of Pittsburgh, PA ("NUFIC") Specimen "Program Policy" issued to National Coalition of Property Owners and Managers/Insurance Purchasing Group Association (NCPO) |
| B | Self Insured Retention Endorsement Forms used with NUFIC "Program Policy" |
| C | Lexington Insurance Company Specimen "Post Program" Stand Alone Excess Policy |
| D | Self Insured Retention Endorsement Forms used with Lexington "Post Program" Policies |
| E | Virginia Surety Company Specimen Policy issued to NCPO Members |
| F | Virginia Surety Company Form Endorsement Regarding Defense Costs |

G Counterclaim of Defendant Virginia Surety Company
H Excerpts from Transcript of Deposition of Wayne J Baliga
I Excerpts from Transcript of Deposition of John Goring

Dated: September 29, 2006

Respectfully submitted,
Defendants, ***Lexington Insurance Company and
National Union Fire Insurance Company of
Pittsburgh, PA.***
by their attorneys,

/s/ Gerald S. Frim
Mark E. Cohen [BBO #089800]
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CERTIFICATE OF SERVICE

I, Gerald S. Frim, hereby certify that I have served this document and all exhibits thereto by hand upon counsel of record and that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 29, 2006.

Dated: September 29, 2006

/s/ Gerald S. Frim

Gerald S. Frim